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-and-

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Attorneys for Defendant  
TIMES PUBLISHING COMPANY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X

GEORGE EDWARD McCAIN, an  
individual,

Plaintiff,

-against-

RAHAL LETTERMAN RACING, LLC,  
an Ohio limited liability co.; et al.,

Defendants.

----- X

Case No.: 07 CIV 5729 (JSR)

**ANSWER OF DEFENDANT TIMES PUBLISHING COMPANY**

Defendant, TIMES PUBLISHING COMPANY (“Defendant”), by its attorneys, as and for its Answer to the Complaint (“Complaint”) of Plaintiff GEORGE EDWARD McCain (“Plaintiff”) responds as follows:

**RESPONSES TO SPECIFIC ALLEGATIONS**

1. Plaintiff admits that this action asserts claims for damages and injunctive relief for copyright infringement under the Copyright Act (17 U.S.C. § 101 *et seq.*) as set forth in Paragraph 1 of the Complaint.

2. The allegations in Paragraph 2 of the Complaint constitute legal conclusions to which no response is required.

3. Defendant denies that venue is proper in this District under 28 U.S.C. § 1391. Defendant is without knowledge or information sufficient to admit or deny the remaining allegations in Paragraph 3 of the Complaint; therefore, they are denied.

4. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 4 of the Complaint; therefore, they are denied.

5. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 5 of the Complaint; therefore, they are denied.

6. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 6 of the Complaint; therefore, they are denied.

7. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 7 of the Complaint; therefore, they are denied.

8. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 8 of the Complaint; therefore, they are denied.

9. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 9 of the Complaint; therefore, they are denied.

10. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 10 of the Complaint; therefore, they are denied.

11. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 11 of the Complaint; therefore, they are denied.

12. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 12 of the Complaint; therefore, they are denied.

13. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 13 of the Complaint; therefore, they are denied.

14. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 14 of the Complaint; therefore, they are denied.

15. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 15 of the Complaint; therefore, they are denied.

16. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 16 of the Complaint; therefore, they are denied.

17. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 17 of the Complaint; therefore, they are denied.

18. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 18 of the Complaint; therefore, they are denied.

19. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 19 of the Complaint; therefore, they are denied.

20. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 20 of the Complaint; therefore, they are denied.

21. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 21 of the Complaint; therefore, they are denied.

22. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 22 of the Complaint; therefore, they are denied.

23. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 23 of the Complaint; therefore, they are denied.

24. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 24 of the Complaint; therefore, they are denied.

25. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 25 of the Complaint; therefore, they are denied.

26. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 26 of the Complaint; therefore, they are denied.

27. Defendant admits Times Publishing Company is a Florida Corporation with a principal place of business located at 490 1<sup>st</sup> Avenue South, St. Petersburg, FL 33701, Times Publishing Company publishes the St. Petersburg Times, Defendant denies all other allegations contained in Paragraph 27 of the Complaint.

28. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 28 of the Complaint; therefore, they are denied.

29. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 29 of the Complaint; therefore, they are denied.

30. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 30 of the Complaint; therefore, they are denied.

31. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 31 of the Complaint; therefore, they are denied.

32. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 32 of the Complaint; therefore, they are denied.

33. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 33 of the Complaint; therefore, they are denied.

34. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 34 of the Complaint; therefore, they are denied.

35. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 35 of the Complaint; therefore, they are denied.

36. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 36 of the Complaint; therefore, they are denied.

37. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 37 of the Complaint; therefore, they are denied.

38. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 38 of the Complaint; therefore, they are denied.

39. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 39 of the Complaint; therefore, they are denied.

40. Defendant admits that sometime prior to April 1, 2005, Defendant received a photograph of Danica Patrick from Rahal Letterman Racing; Defendant is without knowledge or

information sufficient to admit or deny the other allegations in Paragraph 40 of the Complaint; therefore, they are denied.

41. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 41 of the Complaint; therefore, they are denied.

42. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 42 of the Complaint; therefore, they are denied.

43. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 43 of the Complaint; therefore, they are denied.

44. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 44 of the Complaint; therefore, they are denied.

45. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 45 of the Complaint; therefore, they are denied.

46. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 46 of the Complaint; therefore, they are denied.

47. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 47 of the Complaint; therefore, they are denied.

48. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 48 of the Complaint; therefore, they are denied.

49. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 49 of the Complaint; therefore, they are denied.

50. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 50 of the Complaint; therefore, they are denied.

51. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 51 of the Complaint; therefore, they are denied.

52. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 52 of the Complaint; therefore, they are denied.

53. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 53 of the Complaint; therefore, they are denied.

54. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 54 of the Complaint; therefore, they are denied.

55. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 55 of the Complaint; therefore, they are denied.

56. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 56 of the Complaint; therefore, they are denied.

57. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 57 of the Complaint; therefore, they are denied.

58. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 58 of the Complaint; therefore, they are denied.

59. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 59 of the Complaint; therefore, they are denied.

60. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 60 of the Complaint; therefore, they are denied.

61. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 61 of the Complaint; therefore, they are denied.

62. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 62 of the Complaint; therefore, they are denied.

63. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 63 of the Complaint; therefore, they are denied.

64. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 64 of the Complaint; therefore, they are denied.

65. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 65 of the Complaint; therefore, they are denied.

66. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 66 of the Complaint; therefore, they are denied.

67. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 67 of the Complaint; therefore, they are denied.

68. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 68 of the Complaint; therefore, they are denied.

69. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 69 of the Complaint; therefore, they are denied.

70. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 70 of the Complaint; therefore, they are denied.

71. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 71 of the Complaint; therefore, they are denied.

72. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 72 of the Complaint; therefore, they are denied.



73. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 73 of the Complaint; therefore, they are denied.

74. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 74 of the Complaint; therefore, they are denied.

75. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 75 of the Complaint; therefore, they are denied.

76. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 76 of the Complaint; therefore, they are denied.

77. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 77 of the Complaint; therefore, they are denied.

78. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 78 of the Complaint; therefore, they are denied.

79. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 79 of the Complaint; therefore, they are denied.

80. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 80 of the Complaint; therefore, they are denied.

81. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 81 of the Complaint; therefore, they are denied.

82. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 82 of the Complaint; therefore, they are denied.

83. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 83 of the Complaint; therefore, they are denied.

84. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 84 of the Complaint; therefore, they are denied.

85. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 85 of the Complaint; therefore, they are denied.

86. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 86 of the Complaint; therefore, they are denied.

87. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 87 of the Complaint; therefore, they are denied.

88. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 88 of the Complaint; therefore, they are denied.

89. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 89 of the Complaint; therefore, they are denied.

90. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 90 of the Complaint; therefore, they are denied.

91. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 91 of the Complaint; therefore, they are denied.

92. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 92 of the Complaint; therefore, they are denied.

93. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 93 of the Complaint; therefore, they are denied.

94. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 94 of the Complaint; therefore, they are denied.

95. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 95 of the Complaint; therefore, they are denied.

96. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 96 of the Complaint; therefore, they are denied.

97. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 97 of the Complaint; therefore, they are denied.

98. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 98 of the Complaint; therefore, they are denied.

99. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 99 of the Complaint; therefore, they are denied.

100. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 100 of the Complaint; therefore, they are denied.

101. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 101 of the Complaint; therefore, they are denied.

102. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 102 of the Complaint; therefore, they are denied.

103. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 103 of the Complaint; therefore, they are denied.

104. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 104 of the Complaint; therefore, they are denied.

105. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 105 of the Complaint; therefore, they are denied.

106. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 106 of the Complaint; therefore, they are denied.

107. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 107 of the Complaint; therefore, they are denied.

108. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 108 of the Complaint; therefore, they are denied.

109. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 109 of the Complaint; therefore, they are denied.

110. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 110 of the Complaint; therefore, they are denied.

111. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 111 of the Complaint; therefore, they are denied.

112. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 112 of the Complaint; therefore, they are denied.

113. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 113 of the Complaint; therefore, they are denied.

114. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 114 of the Complaint; therefore, they are denied.

115. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 115 of the Complaint; therefore, they are denied.

116. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 116 of the Complaint; therefore, they are denied.

117. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 117 of the Complaint; therefore, they are denied.

118. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 118 of the Complaint; therefore, they are denied.

119. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 119 of the Complaint; therefore, they are denied.

120. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 120 of the Complaint; therefore, they are denied.

121. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 121 of the Complaint; therefore, they are denied.

122. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 122 of the Complaint; therefore, they are denied.

123. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 123 of the Complaint; therefore, they are denied.

124. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 124 of the Complaint; therefore, they are denied.

125. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 125 of the Complaint; therefore, they are denied.

126. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 126 of the Complaint; therefore, they are denied.

127. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 127 of the Complaint; therefore, they are denied.

128. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 128 of the Complaint; therefore, they are denied.

129. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 129 of the Complaint; therefore, they are denied.

130. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 130 of the Complaint; therefore, they are denied.

131. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 131 of the Complaint; therefore, they are denied.

132. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 132 of the Complaint; therefore, they are denied.

133. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 133 of the Complaint; therefore, they are denied.

134. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 134 of the Complaint; therefore, they are denied.

135. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 135 of the Complaint; therefore, they are denied.

136. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 136 of the Complaint; therefore, they are denied.

137. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 137 of the Complaint; therefore, they are denied.

138. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 138 of the Complaint; therefore, they are denied.

139. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 139 of the Complaint; therefore, they are denied.

140. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 140 of the Complaint; therefore, they are denied.

141. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 141 of the Complaint; therefore, they are denied.

142. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 142 of the Complaint; therefore, they are denied.

143. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 143 of the Complaint; therefore, they are denied.

144. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 144 of the Complaint; therefore, they are denied.

145. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 145 of the Complaint; therefore, they are denied.

146. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 146 of the Complaint; therefore, they are denied.

147. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 147 of the Complaint; therefore, they are denied.

148. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 148 of the Complaint; therefore, they are denied.

149. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 149 of the Complaint; therefore, they are denied.

150. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 150 of the Complaint; therefore, they are denied.

151. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 151 of the Complaint; therefore, they are denied.

152. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 152 of the Complaint; therefore, they are denied.

153. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 153 of the Complaint; therefore, they are denied.

154. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 154 of the Complaint; therefore, they are denied.

155. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 155 of the Complaint; therefore, they are denied.

156. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 156 of the Complaint; therefore, they are denied.

157. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 157 of the Complaint; therefore, they are denied.

158. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 158 of the Complaint; therefore, they are denied.

159. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 159 of the Complaint; therefore, they are denied.

160. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 160 of the Complaint; therefore, they are denied.



161. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 161 of the Complaint; therefore, they are denied.

162. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 162 of the Complaint; therefore, they are denied.

163. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 163 of the Complaint; therefore, they are denied.

164. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 164 of the Complaint; therefore, they are denied.

165. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 165 of the Complaint; therefore, they are denied.

166. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 166 of the Complaint; therefore, they are denied.

167. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 167 of the Complaint; therefore, they are denied.

168. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 168 of the Complaint; therefore, they are denied.

169. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 169 of the Complaint; therefore, they are denied.

170. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 170 of the Complaint; therefore, they are denied.

171. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 171 of the Complaint; therefore, they are denied.

172. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 172 of the Complaint; therefore, they are denied.

173. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 173 of the Complaint; therefore, they are denied.

174. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 174 of the Complaint; therefore, they are denied.

175. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 175 of the Complaint; therefore, they are denied.

176. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 176 of the Complaint; therefore, they are denied.

177. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 177 of the Complaint; therefore, they are denied.

178. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 178 of the Complaint; therefore, they are denied.

179. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 179 of the Complaint; therefore, they are denied.

180. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 180 of the Complaint; therefore, they are denied.

181. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 181 of the Complaint; therefore, they are denied.

182. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 182 of the Complaint; therefore, they are denied.

183. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 183 of the Complaint; therefore, they are denied.

184. Defendant admits that, on April 1, 2005 it published in the St. Petersburg Times and on its related website a news story about the St. Petersburg Grand Prix. As part of that news story, Defendant included a photograph of Danica Patrick, which had been provided to it by Rahal Letterman Racing, the racing team for whom Ms. Patrick drove. Defendant denies the remaining allegations in the first sentence of paragraph 184 of the Complaint. Defendant is without knowledge or information sufficient to admit or deny the allegations in the second sentence of Paragraph 184 of the Complaint; therefore, they are denied.

185. Defendant denies the allegations in Paragraph 185 of the Complaint.

186. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 186 of the Complaint; therefore, they are denied.

187. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 187 of the Complaint; therefore, they are denied.

188. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 188 of the Complaint; therefore, they are denied.

189. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 189 of the Complaint; therefore, they are denied.

190. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 190 of the Complaint; therefore, they are denied.

191. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 191 of the Complaint; therefore, they are denied.

192. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 192 of the Complaint; therefore, they are denied.

193. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 193 of the Complaint; therefore, they are denied.

194. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 194 of the Complaint; therefore, they are denied.

195. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 195 of the Complaint; therefore, they are denied.

196. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 196 of the Complaint; therefore, they are denied.

197. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 197 of the Complaint; therefore, they are denied.

198. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 198 of the Complaint; therefore, they are denied.

199. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 199 of the Complaint; therefore, they are denied.

200. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 200 of the Complaint; therefore, they are denied.

201. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 201 of the Complaint; therefore, they are denied.

202. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 202 of the Complaint; therefore, they are denied.

203. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 203 of the Complaint; therefore, they are denied.

204. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 204 of the Complaint; therefore, they are denied.

205. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 205 of the Complaint; therefore, they are denied.

206. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 206 of the Complaint; therefore, they are denied.

207. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 207 of the Complaint; therefore, they are denied.

208. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 208 of the Complaint; therefore, they are denied.

209. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 209 of the Complaint; therefore, they are denied.

210. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 210 of the Complaint; therefore, they are denied.

211. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 211 of the Complaint; therefore, they are denied.

212. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 212 of the Complaint; therefore, they are denied.

213. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 213 of the Complaint; therefore, they are denied.

214. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 214 of the Complaint; therefore, they are denied.

215. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 215 of the Complaint; therefore, they are denied.

216. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 216 of the Complaint; therefore, they are denied.

217. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 217 of the Complaint; therefore, they are denied.

218. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 218 of the Complaint; therefore, they are denied.

219. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 219 of the Complaint; therefore, they are denied.

220. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 220 of the Complaint; therefore, they are denied.

221. Defendant is without knowledge or information sufficient to admit or deny the allegations in Paragraph 221 of the Complaint; therefore, they are denied.

### **AFFIRMATIVE DEFENSES**

#### **First Affirmative Defense**

Plaintiff's claims are barred in whole or part to the extent the alleged conduct of Defendant is protected by the First Amendment to the United States Constitution or by the fair use doctrine embodied in the copyright laws of the United States.

#### **Second Affirmative Defense**

Plaintiff's claims are barred by the doctrines of unclean hands and laches.

Third Affirmative Defense

To the extent Defendant has infringed any copyright of Plaintiff, such infringement has been innocent.

Fourth Affirmative Defense

Venue is improper as to the Defendant.

Fifth Affirmative Defense

The allegations in the Plaintiff's Complaint show lack of jurisdiction over the person of the Defendant.

Defendant reserves the right to assert any other affirmative defenses available to it under applicable law following an adequate opportunity for discovery.

WHEREFORE, Defendant demands judgment dismissing the Complaint in its entirety, with prejudice, and awarding Defendant its costs, disbursements and attorneys' fees and such other and further relief as the Court deems just and proper.

Dated: New York, New York

August 20, 2007

HUNTON & WILLIAMS LLP

By: /s/ Richard Soto  
Shawn Patrick Regan  
Richard Soto  
Hunton & Williams LLP  
200 Park Avenue, 52<sup>nd</sup> Floor  
New York, New York 10166-0136  
(212) 309-1000  
sregan@hunton.com

-and-

Douglas W. Kenyon

(to be admitted *pro hac vice*)  
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421 Fayetteville Street  
Raleigh, North Carolina 27601  
(919) 899-3000  
dkenyon@hunton.com

Attorneys for Defendant  
TIMES PUBLISHING COMPANY



**DECLARATION OF SERVICE**

Raymond E. Galbraith, hereby declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, that:

I am a Litigation Paralegal at the law firm of Hunton & Williams LLP, attorneys for Defendant Time Publishing Company.

That on August 20, 2007, I served a true copy of the attached Answer of Defendant Time Publishing Company on counsel of record via the Court's ECF System and via First Class Mail to any party not listed on the Court's ECF System, by depositing the same in a duly enclosed and sealed wrapper, with the correct postage thereon, in an official letter box duly maintained by the Government of the United States of America within the State of New York.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 20, 2007.

/s/ Raymond E. Galbraith  
Raymond E. Galbraith

TO: All counsel of record.